#### BOARD OF SUPERVISORS

#### MINUTES

#### October 27, 2004

#### Supervisors in Attendance:

Mr. Kelly E. Miller, Chairman
Mr. Edward B. Barber, Vice Chrm.
Mrs. Renny B. Humphrey
Mr. R. M. "Dickie" King, Jr.
Mr. Arthur S. Warren

Mr. Lane B. Ramsey County Administrator

#### Staff in Attendance:

Colonel Carl R. Baker, Police Department Mr. George Braunstein, Exec. Dir., Community Services Board Mr. J. Edward Beck, Asst. Dir., Utilities Dr. Billy Cannaday, Jr., Supt., School Board Ms. Jana Carter, Dir., Youth Planning and Development Ms. Marilyn Cole, Asst. County Administrator Ms. Mary Ann Curtin, Dir., Intergovtl. Relations Ms. Rebecca Dickson, Dir., Budget and Management Ms. Deborah Dugger, Dir., Youth Group Home Mr. James Dunn, Dir., Economic Development Mr. William Dupler, Building Official Ms. Lisa Elko, CMC Clerk Chief Stephen A. Elswick, Fire Department Ms. Karla Gerner, Dir., Human Resource Mgmt. Mr. Michael Golden, Dir., Parks and Recreation Mr. Bradford S. Hammer, Deputy Co. Admin., Human Services Mr. John W. Harmon, Right-of-Way Manager Mr. Russell Harris, Interim Real Estate Assessor Mr. H. Edward James, Dir., Purchasing Mr. Donald Kappel, Dir., Public Affairs Ms. Kathryn Kitchen, Asst. Supt. of Schools for Business and Finance Ms. Barbara Mayfield, Dir., Emergency Comm. Center Mr. R. John McCracken, Dir., Transportation Mr. Richard M. McElfish,

Dir., Env. Engineering

Mr. Steven L. Micas, County Attorney Mr. Glen Peterson, Dir., Community Corrections Services Mr. Francis Pitaro, Dir., General Services Lt. Robert Poland, Sheriff's Office Mr. James J. L. Stegmaier, Deputy Co. Admin., Management Services Mr. M. D. Stith, Jr., Deputy Co. Admin., Community Development Mr. Kirkland A. Turner, Director of Planning

Mr. Miller called the regularly scheduled meeting to order at  $4:19~\mathrm{p.m.}$ 

#### 1. APPROVAL OF MINUTES FOR OCTOBER 13, 2004

On motion of Mr. Warren, seconded by Mr. King, the Board approved the minutes of October 13, 2004, as submitted.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

#### 2. COUNTY ADMINISTRATOR'S COMMENTS

## OF MR. BILL DUPLER

- o Mr. Ramsey commended Mr. Dupler for being reelected to the International Code Council Board of Directors. He stated it is a great honor for the county to have its Building Official in this role.
- o Mr. Ramsey provided details surrounding the decision made by the Electoral Board in conjunction with the Police Department to take extra security measures at polling places in the county on November 2, 2004. He stated the decision to place a police officer at each of the polling places was made based upon a conversation with Defense Secretary Tom Ridge advising that there is evidence regarding a possible attempt to disrupt the election process, as well as guidance from the Governor's Office advising all local governments to take additional security measures to ensure that the public can exercise its voting right without fear or interruption. He stated he has received much feedback commending the county for taking this measure and noted that he learned today from a major national news network that over 100 jurisdictions in the country have been identified that are doing the same thing as the county and questioning why others were not doing this.

Mr. King stated he supports the decision to protect the freedoms of our citizens and complimented Mr. Ramsey on being proactive. He further stated he is appalled at the newspaper headlines indicating that armed police

officers will be placed at county polling places, indicating that all police officers are armed and the public welcomes them when they arrive on the scene of an accident, are present to provide support at athletic events, or provide other assistance when called upon. He stated the majority of the people he has talked to not only support the decision, but appreciate the efforts that have been made to protect our freedom to go to the polling place and vote. He requested that citizens consider thanking the police officers present at polling places when they vote on election day.

Mrs. Humphrey expressed concerns that she was unaware of the need for additional security measures at polling places when she responded to questions from the Richmond Times-Dispatch regarding her thoughts about placing police officers at polling places. She further stated that, because of the threats that have been received regarding attempts to disrupt the election process, she supports the decision to place police officers at polling places to maintain an orderly election process.

Mr. Miller stated he is outraged and incensed that the same people continuously seek to attack the county and have put down our police officers who place themselves at risk for our freedoms on a daily basis. He further stated he has no reason to second guess the decision to place police officers at polling places, and he looks forward to having them there.

#### 3. BOARD COMMITTEE REPORTS

There were no Board committee reports at this time.

### 4. REQUESTS TO POSTPONE ACTION, ADDITIONS, OR CHANGES IN THE ORDER OF PRESENTATION

On motion of Mr. Warren, seconded by Mr. Barber, the Board replaced Item 8.B.2.b., Acceptance of Grant from the United States Department of Justice for the COPS in Schools Grant to Enhance the Police Department's School Resource Officer Program; replaced Item 8.B.6.b., Award of Construction Contract to Godsey and Son, Incorporated for the Englewood Special Tax and/or Assessment Sewer District Project; added Item 8.B.9.f., Request for Permission from David G. Crumpler and Deborah J. Crumpler for a Proposed Gravel Driveway and Drainage Ditch to Encroach Within a Fifty-Foot Unimproved Right of Way Known as Applewood Lane; replaced Item 8.B.13., Authorization for the Chesterfield County Health Center Commission to Make an Application for a Rezoning and Conditional Use to Permit Construction of Additional Living Units at Lucy Corr Village on Parcels Owned by the County; added Item 8.B.14.a., Transfer of District Improvement Funds from the Bermuda, Clover Hill, Dale, Matoaca and Midlothian District Improvement Funds to the Chesterfield Fire and Emergency Medical Services Department to Purchase Equipment for the Chesterfield Fire and Emergency Medical Services Scuba Rescue Team; added Item 8.B.14.b., Transfer of District Improvement Funds from the Midlothian District Improvement Fund to Environmental Engineering to Purchase Drainage Pipe and Couplings to be Installed in Existing County Drainage

Easements; replaced Item 10.B., Report on the Status of General Fund Balance, Reserve for Future Capital Projects, District Improvement Funds and Lease Purchases; added Item 10.C., Closed Session Pursuant to Section 2.2-3711(A)(13), Code of Virginia, 1950, as Amended, to Discuss Strategy with Respect to the Negotiation of a Siting Agreement with a Prospective Business Interested in Locating in the County and/or to Consider the Terms, Conditions, and Provisions of a Siting Agreement; and adopted the Agenda, as amended.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

#### 5. RESOLUTIONS AND SPECIAL RECOGNITIONS

## O RECOGNIZING FIRE CHIEF STEPHEN A. ELSWICK, CHESTERFIELD FIRE AND EMERGENCY MEDICAL SERVICES DEPARTMENT, UPON HIS RETIREMENT

Deputy Chief Paul Mauger introduced Chief Elswick who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, Chief Stephen A. Elswick will retire from the Chesterfield Fire and Emergency Medical Services (EMS) Department, Chesterfield County, on November 1, 2004; and

WHEREAS, Chief Elswick began his career as a firefighter with the county on July 1, 1973, attending Recruit School Number 3 and finishing first in his class; and

WHEREAS, Chief Elswick has faithfully served the county for over 31 years in a variety of assignments – being first promoted to the position of Sergeant on April 1, 1975 and then again to Lieutenant on August 1, 1977; achieving the rank of Captain on July 5, 1980, Battalion Chief on July 20, 1981, Senior Battalion Chief on January 1, 1990, Second Deputy Chief on May 1, 1995, Deputy Chief on July 1, 1996, and finally Chief of the Department on May 5, 1998; and

WHEREAS, Chief Elswick served as the Commanding Officer of the department's first Technical Service Unit and as Assistant Project Leader on the county's first Police and Fire emergency 800 trunking communications system; and

WHEREAS, Chief Elswick has been committed to the development of his leaders by initiating the department's first Chief Officer's School, Volunteer Chief's In-service School, First-Line Supervisor's School, and Applied Leadership for Company Officer's School; and

WHEREAS, Chief Elswick successfully implemented the EMS Revenue Recovery Program to improve the EMS system for the future, to include the first full-time Operational Medical Director and Quality Assurance Coordinator, the purchase of much needed equipment and apparatus, and the training and development of the department's personnel; and

WHEREAS, Chief Elswick established the department's first full-time recruiting officer to seek out the most qualified available candidates to serve the citizens of

Chesterfield County, as well as the first full-time shift safety officers; and

WHEREAS, Chief Elswick established the department's first Cadet Program in a partnership with the Chesterfield Vo-Tech Center, to develop paramedics and firefighters for the future of the organization; and

WHEREAS, Chief Elswick supported creative and innovative methods for minimizing budget restraints by obtaining several large grants to provide personal protective equipment, specialized equipment for the Hazardous Material and Technical Rescue Teams, and domestic terrorism training for personnel; and

WHEREAS, Chief Elswick initiated the department's Citizen Against Residential Emergencies or "CARE's" Program, which supports citizens who suffer loss of property, who are in dire need of help for food or shelter, or may need other immediate assistance or support; and

WHEREAS, Chief Elswick initiated a leave and staffing as well as Advanced Life Support (ALS) team to study the critical issues of the department and make recommendations that will have long-range impacts on how the department conducts its business in the future.

NOW, THEREFORE, BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 27<sup>th</sup> day of October 2004, publicly recognizes the contributions of Chief Stephen A. Elswick, expresses the appreciation of all residents for his service to the county, their congratulations upon his retirement, and their best wishes for a long and happy retirement.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

Mr. Miller presented the executed resolution to Chief Elswick, accompanied by members of his family, expressed appreciation for his exemplary contributions to the county, and wished him a long and happy retirement.

Chief Elswick received a standing ovation.

Mr. Ramsey presented a Jefferson Cup to Chief Elswick and commended him on the tremendous leadership example he has been for both the Fire and Emergency Medical Services Department and the entire county. He thanked Mr. and Mrs. Elswick for the values instilled in their son, which he used to set an example for others.

Chief Elswick stated he will always have a special place in his heart for the men and women of Chesterfield Fire and Emergency Medical Services, and any successes he has had is because of them. He expressed appreciation to Mr. Ramsey, Mr. Miller and Mr. Micas for the wisdom and mentorship they have provided to him. He thanked his wife and son for their support and understanding and his parents for the strong work ethic they instilled in him. He also thanked Mr. Eanes for hiring him as a firefighter 31 years ago. He stated he is leaving a fine organization in the hands of some fine people,

and expressed appreciation to Mr. Ramsey and the Board for allowing him to serve as Fire Chief.

Deputy Chief Mauger presented Chief Elswick with a shadow box containing his badges.

#### 6. WORK SESSIONS

There were no work sessions at this time.

#### 7. <u>DEFERRED ITEMS</u>

There were no deferred items at this time.

#### 8. NEW BUSINESS

#### 8.A. APPOINTMENTS

On motion of Mrs. Humphrey, seconded by Mr. King, the Board suspended its rules at this time to allow simultaneous nomination/appointment of members to serve on the SAFE Board of Directors.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

#### o SAFE BOARD OF DIRECTORS

On motion of Mr. King, seconded by Mr. Miller, the Board simultaneously nominated/appointed Mr. Vernon Henderson, representing the Dale District, and Mr. Merdis Hudson and Mr. Michael Whipple, representing the Bermuda District, to serve on the SAFE Board of Directors, whose terms are effective immediately and expire September 30, 2007.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

#### 8.B. CONSENT ITEMS

#### 8.B.1. ADOPTION OF RESOLUTIONS

# 8.B.1.a. RECOGNIZING FIREFIGHTER DANNY L. ADKINS, CHESTERFIELD FIRE AND EMERGENCY MEDICAL SERVICES DEPARTMENT, UPON HIS RETIREMENT

On motion of Mr. Warren, seconded by Mr. King, the Board adopted the following resolution:

WHEREAS, Firefighter Danny L. Adkins will retire from the Chesterfield Fire and Emergency Medical Services Department, Chesterfield County on November 1, 2004; and

WHEREAS, Firefighter Adkins attended Recruit School #12 in 1982 and has faithfully served the county for over twenty-two years in various assignments at the Midlothian, Ettrick, Clover Hill, Dutch Gap and Matoaca Fire Stations; and

WHEREAS, Firefighter Adkins was one of the department's original Motor Pump Operator Instructors and was responsible for the instruction and certification of many of the department's Motor Pump Operators; and

WHEREAS, Firefighter Adkins served the County of Chesterfield and the citizens as an excellent employee, who was respected as a vital member of the shift by his supervisors and his peers for his cooperation, positive attitude, professionalism and teamwork.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors recognizes the contributions of Firefighter Danny L. Adkins, expresses the appreciation of all residents for his service to the county, and extends their appreciation for his dedicated service and their congratulations upon his retirement.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

## 8.B.1.b. RECOGNIZING DEPUTY DOUGLAS W. STYLES, SHERIFF'S DEPARTMENT, UPON HIS RETIREMENT

On motion of Mr. Warren, seconded by Mr. King, the Board adopted the following resolution:

WHEREAS, Mr. Douglas W. Styles began his service to the citizens of Chesterfield County as a Deputy Sheriff and Corporal in the Correctional Services Bureau of the Sheriff's Office under Sheriff Wingo in July 1981 after serving as a police officer for the City of Colonial Heights; and

WHEREAS, in March 1985 Deputy Styles was transferred to the Court Services Division and served that division with distinction as a courtroom bailiff until April of 1987; and

WHEREAS, in April 1987 Deputy Styles was transferred to the Civil Process Unit where he has continued to serve with honor; and

WHEREAS, Deputy Styles will retire from the Sheriff's Office on November 1, 2004; and

WHEREAS, as a part of his service Deputy Styles was instrumental in founding the Seniors in Touch program that provides services to senior adults in the county and has also been active in various civic events that contribute to the betterment of the community, such as Special Olympics of Virginia; and

WHEREAS, Deputy Styles' desire to do a good job has been a primary factor that has permitted him to perform at a very high level, always striving for excellence and going beyond the call of duty while serving Chesterfield County for 23 years; and

WHEREAS, Deputy Styles has been a person that citizens and businesses in the communities of Ettrick and Enon could count on and call upon well before that advent of community policing.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors recognizes the outstanding contributions of Mr. Douglas W. Styles, expresses the appreciation of all residents for his service to Chesterfield County, extends appreciation for his dedicated service to the county and congratulations upon his retirement, as well as best wishes for a long and happy retirement.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

# 8.B.1.c. SUPPORTING RE-BENCHMARKING THE STAFFING AND OPERATIONAL AND MAINTENANCE FUNDING FOR VIRGINIA STATE PARKS

On motion of Mr. Warren, seconded by Mr. King, the Board adopted the following resolution:

WHEREAS, Virginia is fortunate to have a variety of state parks, so that at least one is conveniently located within an hour's drive of every Virginia locality; and

WHEREAS, these Virginia state parks provide outstanding recreational and cultural opportunities for our state's residents, and generate tourism revenue for the Commonwealth and for the localities in which the parks are located; and

WHEREAS, Virginia's state parks were voted "America's best managed" in 2001 and received the National Gold Medal Award; and

WHEREAS, in general obligation bond referenda in 1992 and 2002, Virginia residents supported improving and expanding state parks in the Commonwealth; and

WHEREAS, the need for a major re-benchmarking of funding for and staffing of our state parks has been identified and supported by the former Commission on the Future of Virginia's Environment; and

WHEREAS, preventive, cyclical and maintenance reserve projects have been deferred for many years as those funds have been by necessity redirected to operations resulting in hundreds of millions of dollars in deferred maintenance; and

WHEREAS, Virginia's state parks rank 50<sup>th</sup> in state funding in both per capita and proportion of the state budget dedicated to state parks; and

WHEREAS, Pocahontas State Park in Chesterfield County is the largest state park in Virginia; and

WHEREAS, this park was also recently named as being among the 20 best campgrounds in America; and

WHEREAS, this Board of Supervisors recognizes the importance of maintaining the quality, safety and attractiveness of our state parks.

NOW, THEREFORE, BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 27th day of October 2004, hereby urges Governor Warner and the members of the Virginia

Senate and House of Delegates to support budget amendments that address the critical needs in our state park system during the 2005 legislative session, and urges all appropriate action to maintain and improve our state's park system for the enjoyment of our residents and visitors now and for generations to come.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

## 8.B.1.d. RECOGNIZING MASTER DETECTIVE OLIN F. "BUDDY" AKERS, JR., POLICE DEPARTMENT, UPON HIS RETIREMENT

On motion of Mr. Warren, seconded by Mr. King, the Board adopted the following resolution:

WHEREAS, Master Detective O. F. "Buddy" Akers, Jr. will retire from the Chesterfield County Police Department on November 1, 2004, after providing 28 years of quality service to the citizens of Chesterfield County; and

WHEREAS, Detective Akers has faithfully served the county in the capacity of Patrol Officer, Investigator, Detective, Detective First Class, Senior Detective, and Master Detective; and

WHEREAS, Detective Akers received a Certificate of Commendation for his devotion to duty while assisting in the investigation of a vicious rape case and his superior investigative skills and innovative techniques led to the identification and arrest of the suspect; and

WHEREAS, Detective Akers received the Chief's Commendation Ribbon for his intense work and intelligence during the investigation of the Rosenbluth homicides that occurred in November 1993, and due to his efforts and those of his fellow detectives, the two suspects were convicted with one being sentenced to death and the other receiving a sentence of life imprisonment; and

WHEREAS, Detective Akers received a Certificate of Commendation for his perseverance, professionalism and investigative skills during the Park Lee homicide investigation and was awarded the Meritorious Service Award for his diligent and dedicated work in the resolution of the Route 288 double homicide case; and

WHEREAS, Detective Akers received the Virginia Homicide Investigators Association "1998 Homicide Investigator of the Year" award; and

WHEREAS, Detective Akers has received numerous letters of thanks and appreciation from the Commonwealth Attorney's Office as well as the citizens of Chesterfield County; and

WHEREAS, Detective Akers has provided the Chesterfield County Police Department with many years of loyal and dedicated service, and Chesterfield County and the Board of Supervisors will miss his diligent service.

NOW, THEREFORE, BE IT RESOLVED, that the Chesterfield County Board of Supervisors recognizes Master Detective O. F.

"Buddy" Akers, Jr., and extends on behalf of its members and the citizens of Chesterfield County, appreciation for his service to the county, congratulations upon his retirement, and best wishes for a long and happy retirement.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

## 8.B.1.e. RECOGNIZING MRS. AURORA JANE SCOTT, DEPARTMENT OF SOCIAL SERVICES, UPON HER RETIREMENT

On motion of Mr. Warren, seconded by Mr. King, the Board adopted the following resolution:

WHEREAS, Mrs. Jane Scott began her public service with Chesterfield County as an Eligibility Worker in the Department of Social Services in 1989; and

WHEREAS, Mrs. Scott was promoted to the position of Senior Eligibility Worker in 1992; and

WHEREAS, Mrs. Scott has worked as both an Intake Worker and as an Intake/On-going Case Manager; and

WHEREAS, Mrs. Scott participated in the conversion to a new automated system for benefit programs, the Application Benefit Delivery Automation Project (ADAPT); and

WHEREAS, Mrs. Scott participated on one of the agency goal groups; and

WHEREAS, Mrs. Scott supervised the Social Work Aides Division for 20 months; and

WHEREAS, Mrs. Scott worked in partnership with the Community Services Board to facilitate processing of Medicaid applications for children entitled to waiver services; and

WHEREAS, Mrs. Scott managed eligibility for foster care cases for 12 years; and

WHEREAS, Mrs. Scott managed the Refugee caseload; and

WHEREAS, Mrs. Scott served on the agency Health and Wellness Committee; and

WHEREAS, throughout her career at the Department of Social Services Mrs. Scott has served the most vulnerable citizens of Chesterfield County and the City of Colonial Heights; and

WHEREAS, Mrs. Scott has been a dedicated and loyal employee of Chesterfield County.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors recognizes the outstanding contributions of Mrs. Jane Scott, expresses the appreciation of all residents for her service to Chesterfield County, and extends appreciation for her dedicated service to the county and congratulations upon her retirement, as well as best wishes for a long and happy retirement.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

#### 8.B.2. ACCEPTANCE OF GRANTS

## 8.B.2.a. FROM HEALTH AND HUMAN SERVICES TO DOMESTIC VIOLENCE RESOURCE CENTER FOR ENHANCEMENTS TO SERVICES TO THE HISPANIC/LATINO COMMUNITIES IN CHESTERFIELD COUNTY

On motion of Mr. Warren, seconded by Mr. King, the Board accepted and appropriated a grant, in the amount of \$49,872, from the Department of Health and Human Services to enhance the domestic violence services offered to the Hispanic/Latino communities in the county. (It is noted there is no local match requirement.)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

# 8.B.2.b. FROM THE UNITED STATES DEPARTMENT OF JUSTICE FOR THE COPS IN SCHOOLS GRANT TO ENHANCE THE POLICE DEPARTMENT'S SCHOOL RESOURCE OFFICER PROGRAM

On motion of Mr. Warren, seconded by Mr. King, the Board authorized the Police Department to accept and appropriate a grant award, in the amount of \$250,000, from the United States Department of Justice, Office of Community Policing Services (COPS).

And, further, the Board created two new School Resource Officer positions; transferred \$10,400 for the required local match from the Chesterfield County School Board; and authorized the County Administrator to execute all documents.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

# 8.B.2.c. FROM THE BUREAU OF JUSTICE ASSISTANCE FOR THE FY2004 LOCAL LAW ENFORCEMENT BLOCK GRANT TO ENHANCE THE POLICE DEPARTMENT'S COMMUNITY POLICING AND CRIME PREVENTION EFFORTS

On motion of Mr. Warren, seconded by Mr. King, the Board authorized the Police Department to accept and appropriate a Local Law Enforcement Block Grant award, in the amount of \$41,916, from the United States Department of Justice, Bureau of Justice Assistance.

And, further, the Board created a new Electronics Surveillance Technician position; transferred \$4,657 in local match, which has been identified with the Police Department's current appropriation; and authorized the County Administrator to execute all documents.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

#### 8.B.3. APPROVAL OF FY2005 SCHOOL BOARD GRANT REVISIONS

On motion of Mr. Warren, seconded by Mr. King, the Board increased the FY2005 School Grants Fund instruction

appropriation category by \$85,515 and decreased the FY2005 School Grants Fund pupil transportation appropriation category by \$20,697 for a net change to the School Grants Fund of \$64,818.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

#### 8.B.4. STATE ROAD ACCEPTANCE

On motion of Mr. Warren, seconded by Mr. King, the Board adopted the following resolution:

WHEREAS, the streets described below are shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the <u>Subdivision Street Requirements</u> of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the streets described below to the secondary system of state highways, pursuant to Section 33.1-229, <u>Code of Virginia</u>, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

#### <u>Type Change to the Secondary System of State Highways:</u> <u>Addition</u>

Basis for Change: Addition, New subdivision street

Statutory Reference: §33.1-229

Project: Chester Run, Section A and a portion of Chester, Section M

Lilking Court, State Route Number: 5784

From: Lilking Rd., (Rt. 5784)

To: Cul-de-sac, a distance of: 0.08 miles.

Right-of-way record was filed on 5/6/1993 with the Office Of Clerk To Circuit Court in Pb.81; pg. 1, with a

width of 50 Ft.

#### ● Lilking Road, State Route Number: 5783

From: Stebbins St., (Rt. 1530)

To: Lilking Ct., (Rt. 5784), a distance of: 0.07 miles.

 $Right-of-way\ record\ was\ filed\ on\ 5/6/1993\ with\ the\ Office\ Of\ Clerk\ To\ Circuit\ Court\ in\ Pb.81;\ pg.\ 1,\ with\ a$ 

width of 50 Ft.

#### Lilking Road, State Route Number: 5783

From: Lilking Ct., (Rt. 5783)

To: Cul-de-sac, a distance of: 0.11 miles.

Right-of-way record was filed on 5/6/1993 with the Office Of Clerk To Circuit Court in Pb.81; pg. 1, with a

width of 50 Ft.

#### Stebbins Street, State Route Number: 1530

From: Percival St., (Rt. 1510)

To: Lilking Rd., (Rt. 5783), a distance of: 0.07 miles.

Right-of-way record was filed on 6/11/1964 with the Office Of Clerk To Circuit Court in Pb.14;pg. 2, with

a width of 50 Ft.

#### Stebbins Street, State Route Number: 1530

From: Lilking Rd., (Rt. 5783)

To: Cul-de-sac, a distance of: 0.12 miles.

Right-of-way record was filed on 6/11/1964 with the Office Of Clerk To Circuit Court in Pb.14; pg. 2, with

a width of 50 Ft.

And, further, the Board adopted the following resolution:

WHEREAS, the streets described below are shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the <u>Subdivision Street Requirements</u> of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the streets described below to the secondary system of state highways, pursuant to Section 33.1-229, <u>Code of Virginia</u>, and the Department's <u>Subdivision Street Requirements</u>.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

#### <u>Type Change to the Secondary System of State Highways:</u> <u>Addition</u>

Basis for Change: Addition, New subdivision street

Statutory Reference: §33.1-229

Project: Forest Lake, Section B

#### Feddo Court, State Route Number: 4431

From: Nile Rd., (Rt. 859) 0.27 mi. E of Rt. 1/301

To: Cul-de-sac, a distance of: 0.08 miles.

Right-of-way record was filed on 3/19/1999 with the Office Of Clerk To Circuit Court in Pb.104; pg. 1, with a width of 50 Ft.

#### Yoko Court, State Route Number: 4432

From: Laughter Ln., (Rt. 859)

To: Cul-de-sac, a distance of: 0.09 miles.

Right-of-way record was filed on 3/19/1999 with the Office Of Clerk To Circuit Court in Pb.104; pg. 1, with a width of 50 Ft.

And, further, the Board adopted the following resolution:

WHEREAS, the street described below is shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the street meets the requirements established by the <u>Subdivision Street Requirements</u> of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the street described below to the secondary system of state highways, pursuant to Section 33.1-229, <u>Code of Virginia</u>, and the Department's <u>Subdivision Street Requirements</u>.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

#### Type Change to the Secondary System of State Highways: Addition

Basis for Change: Addition, New subdivision street

Statutory Reference: §33.1-229

Project: Walthall Creek, Section 16 and a portion of Section 5

Clearcreek Place, State Route Number: 5776

From: Clearsprings Ln., (Rt. 4064)

To: Cul-de-sac, a distance of: 0.16 miles.

Right-of-way record was filed on 5/12/1988 with the Office Of Clerk To Circuit Court in Pb.61; pg. 51, with a

width of 50 Ft. and 1/16/2002 Pb.123; Pg.41.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

#### 8.B.5. REQUESTS TO QUITCLAIM

### 8.B.5.a. A PORTION OF A SIXTEEN-FOOT SEWER EASEMENT ACROSS THE PROPERTY OF YE OLDE CAR WASH, L.L.C.

On motion of Mr. Warren, seconded by Mr. King, the Board authorized the Chairman of the Board of Supervisors and the

County Administrator to execute a quitclaim deed to vacate a portion of a 16-foot sewer easement across the property of Ye Olde Car Wash, L.L.C. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

# 8.B.5.b. A PORTION OF A SIXTEEN-FOOT SEWER EASEMENT ACROSS THE PROPERTY OF PAUL R. MAOSHA AND SAGUARO MOUNTAIN, LLC

On motion of Mr. Warren, seconded by Mr. King, the Board authorized the Chairman of the Board of Supervisors and the County Administrator to execute a quitclaim deed to vacate a portion of a 16-foot sewer easement across the property of Paul R. Maosha and Saguaro Mountain, LLC. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

## 8.B.5.c. PORTIONS OF A SIXTEEN-FOOT WATER EASEMENT ACROSS THE PROPERTY OF BON SECOURS-SAINT FRANCIS MEDICAL CENTER, INCORPORATED

On motion of Mr. Warren, seconded by Mr. King, the Board authorized the Chairman of the Board of Supervisors and the County Administrator to execute a quitclaim deed to vacate portions of a 16-foot water easement across the property of Bon Secours-Saint Francis Medical Center, Incorporated. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

#### 8.B.6. AWARD OF CONSTRUCTION CONTRACTS

## 8.B.6.a. TO GODSEY AND SON, INCORPORATED FOR THE OLD CENTRALIA ROAD WATER LINE REHABILITATION PROJECT

On motion of Mr. Warren, seconded by Mr. King, the Board awarded a construction contract, in the amount of \$357,271, to Godsey and Son, Incorporated for County Project #03-0034R - Old Centralia Road Water Line Rehabilitation; approved the transfer of \$200,000 from the Midlothian Water Line Phase II project to the Old Centralia Road project; and authorized the County Administrator to execute the necessary documents.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

# 8.B.6.b. TO GODSEY AND SON, INCORPORATED FOR THE ENGLEWOOD SPECIAL TAX AND/OR ASSESSMENT SEWER DISTRICT PROJECT

On motion of Mr. Warren, seconded by Mr. King, the Board awarded a construction contract, in the amount of \$365,412,

to Godsey and Son, Incorporated for County Project #02-0241-Englewood Special Tax and/or Assessment Sewer District; appropriated \$160,000 from the sewer fund balance to 5P-58350-020241E; and authorized the County Administrator to execute any necessary documents. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

# 8.B.6.c. TO GULF SEABOARD GENERAL CONTRACTING, INCORPORATED FOR THE CONSTRUCTION OF THE COMMUNITY DEVELOPMENT BUILDING AND CUSTOMER SERVICE CENTER

On motion of Mr. Warren, seconded by Mr. King, the Board authorized the County Administrator to execute a contract with Gulf Seaboard General Contracting, Incorporated, in the amount of \$11,883,000, for the construction of the Community Development Building and Customer Service Center.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

#### 8.B.7. ACCEPTANCE OF PARCELS OF LAND

## 8.B.7.a. FOR FORTENBERRY DRIVE FROM FOXFIELD CONSTRUCTION, INCORPORATED

On motion of Mr. Warren, seconded by Mr. King, the Board accepted the conveyance of a parcel of land containing 0.620 acres for Fortenberry Drive from Foxfield Construction, Incorporated, and authorized the County Administrator to execute the deed. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

## 8.B.7.b. ALONG THE WEST RIGHT OF WAY LINE OF LEWIS ROAD FROM SHOOSMITH BROTHERS, INCORPORATED

On motion of Mr. Warren, seconded by Mr. King, the Board accepted the conveyance of a parcel of land containing 0.7718 acres along the west right of way line of Lewis Road (State Route 632) from Shoosmith Brothers, Incorporated, and authorized the County Administrator to execute the deed. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

#### 8.B.8. ADOPTION OF THE 2005 LEGISLATIVE PROGRAM

In response to Mr. Warren's question, Ms. Curtin stated the group home item has been moved to the legislative priority category.

On motion of Mr. Warren, seconded by Mr. King, the Board adopted the 2005 Legislative Program, as amended from the September 22, 2004 work session.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

#### 8.B.9. REQUESTS FOR PERMISSION

# 8.B.9.a. FROM ROBERT W. ALMOND, JR. AND BEVERLY F. ALMOND TO INSTALL A PRIVATE WATER SERVICE WITHIN A PRIVATE EASEMENT TO SERVE PROPERTY ON BELMONT ROAD

On motion of Mr. Warren, seconded by Mr. King, the Board approved a request from Robert W. Almond, Jr. and Beverly F. Almond for permission to install a private water service within a private easement to serve property at 8300 Belmont Road, and authorized the County Administrator to execute the water connection agreement. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

## 8.B.9.b. FROM RICHARD F. BOWMAN AND DEBRA L. BOWMAN TO INSTALL A PRIVATE WATER SERVICE WITHIN A PRIVATE EASEMENT TO SERVE PROPERTY ON BELMONT ROAD

On motion of Mr. Warren, seconded by Mr. King, the Board approved a request from Richard F. Bowman and Debra L. Bowman for permission to install a private water service within a private easement to serve property at 8400 Belmont Road, and authorized the County Administrator to execute the water connection agreement. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

## 8.B.9.c. FROM LANCE A. HANCOCK AND SARAH HANCOCK TO INSTALL A PRIVATE WATER SERVICE WITHIN A PRIVATE EASEMENT TO SERVE PROPERTY ON ENON CHURCH ROAD

On motion of Mr. Warren, seconded by Mr. King, the Board approved a request from Lance A. Hancock and Sarah Hancock to install a private water service within a private easement to serve property at 307 Enon Church Road, and authorized the County Administrator to execute the water connection agreement. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

# 8.B.9.d. FROM BARNEY MCLAUGHLIN AND MARTHA MCLAUGHLIN TO INSTALL A PRIVATE WATER SERVICE WITHIN A PRIVATE EASEMENT TO SERVE PROPERTY ON DE LAVIAL STREET

On motion of Mr. Warren, seconded by Mr. King, the Board approved a request from Barney McLaughlin and Martha McLaughlin for permission to install a private water service

within a private easement to serve property at 12017 De Lavial Street, and authorized the County Administrator to execute the water connection agreement. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

# 8.B.9.e. FROM T. I. B. INCORPORATED TO INSTALL A PRIVATE WATER SERVICE WITHIN A PRIVATE EASEMENT TO SERVE PROPERTY ON BELMONT ROAD

On motion of Mr. Warren, seconded by Mr. King, the Board approved a request from T. I. B. Incorporated for permission to install a private water service within a private easement to serve property at 8430 Belmont Road, and authorized the County Administrator to execute the water connection agreement. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

# 8.B.9.f. FROM DAVID G. CRUMPLER AND DEBORAH J. CRUMPLER FOR A PROPOSED GRAVEL DRIVEWAY AND DRAINAGE DITCH TO ENCROACH WITHIN A FIFTY-FOOT UNIMPROVED RIGHT OF WAY KNOWN AS APPLEWOOD LANE

On motion of Mr. Warren, seconded by Mr. King, the Board approved a request from David G. Crumpler and Deborah J. Crumpler for a proposed gravel driveway and drainage ditch to encroach within a 50-foot unimproved right of way known as Applewood Lane. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

# 8.B.10. SET A PUBLIC HEARING TO CONSIDER THE APPROPRIATION OF FUNDS IN LEASE PROCEEDS TO FUND ENERGY CONSERVATION IMPROVEMENTS

On motion of Mr. Warren, seconded by Mr. King, the Board set the date of November 10, 2004 at 7:00 p.m. for a public hearing for the Board to consider the appropriation of \$2.1 million in lease/purchase proceeds to fund the energy services agreement with NORESCO for implementation of energy improvements at county and school facilities.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

### 8.B.11. APPROPRIATION OF ROAD CASH PROFFER FUNDS FOR THE REAMS ROAD TURN LANES PROJECT

On motion of Mr. Warren, seconded by Mr. King, the Board appropriated \$450,000 from Traffic Shed 4 road cash proffers and authorized the County Administrator to proceed with the

design, right-of-way acquisition, and advertisement for a construction contract for the Reams Road Turn Lanes Project.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

#### 8.B.12. DESIGNATION OF RIGHT OF WAY FOR MEADOWVILLE ROAD

On motion of Mr. Warren, seconded by Mr. King, the Board designated right of way for Meadowville Road and authorized the County Administrator to execute the Declaration. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

#### 8.B.14. TRANSFER OF DISTRICT IMPROVEMENT FUNDS

8.B.14.a. FROM THE BERMUDA, CLOVER HILL, DALE, MATAOCA AND MIDLOTHIAN DISTRICT IMPROVEMENT FUNDS TO THE THE CHESTERFIELD FIRE AND EMERGENCY MEDICAL SERVICES DEPARTMENT TO PURCHASE EQUIPMENT FOR THE CHESTERFIELD FIRE AND EMERGENCY MEDICAL SERVICES SCUBA RESCUE TEAM

On motion of Mr. Warren, seconded by Mr. King, the Board transferred \$20,000 from the Bermuda, Clover Hill, Dale, Matoaca and Midlothian District Improvement Funds (\$4,000 per district) to the Chesterfield Fire and Emergency Medical Services Department to purchase equipment for the Chesterfield Fire and Emergency Medical Services Scuba Rescue Team.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

# 8.B.14.b. FROM THE MIDLOTHIAN DISTRICT IMPROVEMENT FUND TO ENVIRONMENTAL ENGINEERING TO PURCHASE DRAINAGE PIPE AND COUPLINGS TO BE INSTALLED IN EXISTING COUNTY DRAINAGE EASEMENTS

On motion of Mr. Warren, seconded by Mr. King, the Board transferred \$4,500 from the Midlothian District Improvement Fund to Environmental Engineering to purchase drainage pipe and couplings to be installed in existing county drainage easements.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

The following item was removed from the Consent Agenda for Board discussion:

# 8.B.13. AUTHORIZATION FOR THE CHESTERFIELD COUNTY HEALTH CENTER COMMISSION TO MAKE AN APPLICATION FOR A REZONING AND CONDITIONAL USE TO PERMIT CONSTRUCTION OF ADDITIONAL LIVING UNITS AT LUCY CORR VILLAGE ON PARCELS OWNED BY THE COUNTY

Mr. Ramsey stated several questions were raised by Board members prior to the meeting regarding this issue.

Mr. Miller stated he believes it would be precipitous for the Board to defer this issue for one month to allow further investigation and consideration.

Mr. Miller then made a motion, seconded by Mr. Barber, for the Board to defer consideration of the request to authorize the Chesterfield County Health Center Commission to make an application for rezoning and conditional use to permit construction of a convalescence center and detached and attached residential units on parcels owned by the county until November 23, 2004.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

#### 9. HEARINGS OF CITIZENS ON UNSCHEDULED MATTERS OR CLAIMS

There were no hearings of citizens on unscheduled matters or claims at this time.

#### 10. REPORTS

#### 10.A. REPORT ON THE DEVELOPER WATER AND SEWER CONTRACTS

# 10.B. REPORT ON THE STATUS OF GENERAL FUND BALANCE, RESERVE FOR FUTURE CAPITAL PROJECTS, DISTRICT IMPROVEMENT FUNDS AND LEASE PURCHASES

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board accepted the following reports: A report on Developer Water and Sewer Contracts; and a report on the Status of the General Fund Balance, Reserve for Future Capital Projects, District Improvement Funds and Lease Purchases.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

# 10.C. CLOSED SESSION PURSUANT TO SECTION 2.2-3711(A)(13), CODE OF VIRGINIA, 1950, AS AMENDED, TO DISCUSS STRATEGY WITH RESPECT TO THE NEGOTIATION OF A SITING AGREEMENT WITH A PROSPECTIVE BUSINESS INTERESTED IN LOCATING IN THE COUNTY AND/OR TO CONSIDER THE TERMS, CONDITIONS, AND PROVISIONS OF A SITING AGREEMENT

Upon finding that consideration of the issue in an open meeting would have an adverse effect on the negotiating position of the county or the establishment of the terms, conditions and provisions of the siting agreement, or both, Mr. Barber made a motion, seconded by Mr. King, for the Board to go into Closed Session pursuant to Section 2.2-3711(A)(13), Code of Virginia, 1950, as amended, to discuss strategy with respect to the negotiation of a siting agreement with a prospective business interested in locating in the county and/or to consider the terms, conditions, and provisions of a siting agreement.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

#### Reconvening:

On motion of Mr. Barber, seconded by Mr. Warren, the Board adopted the following resolution:

WHEREAS, the Board of Supervisors has this day adjourned into Closed Session in accordance with a formal vote of the Board and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, the Virginia Freedom of Information Act effective July 1, 1989 provides for certification that such Closed Session was conducted in conformity with law.

NOW, THEREFORE BE IT RESOLVED, the Board of Supervisors does hereby certify that to the best of each member's knowledge, i) only public business matters lawfully exempted from open meeting requirements under the Freedom of Information Act were discussed in the Closed Session to which this certification applies, and

ii) only such public business matters as were identified in the Motion by which the Closed Session was convened were heard, discussed, or considered by the Board. No member dissents from this certification.

The Board being polled, the vote was as follows:

Mr. Warren: Aye.
Mr. King: Aye.
Mrs. Humphrey: Aye.
Mr. Barber: Aye.
Mr. Miller: Aye.

#### 11. DINNER

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board recessed to the Administration Building, Room 502, for dinner.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

Reconvening:

#### 12. INVOCATION

Reverend Russell Benton, Associate Pastor of Crestwood Presbyterian Church, gave the invocation.

## 13. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

Deputy Chief Paul Mauger led the Pledge of Allegiance to the flag of the United States of America.

#### 14. RESOLUTIONS AND SPECIAL RECOGNITIONS

## 14.A. RECOGNIZING MANCHESTER VOLUNTEER RESCUE SQUAD FOR FIFTY YEARS OF SERVICE

Deputy Chief Mauger introduced Ms. Kathy Eubank, President of Manchester Volunteer Rescue Squad, who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, in 1954, the Manchester Volunteer Rescue Squad was organized to serve the citizens of the Manchester area of south Richmond as well as Chesterfield County; and

WHEREAS, the first ambulance was a converted 1945 Cadillac hearse; the squad building was actually "Jiggs" Perkins' garage; the uniform was a red leather baseball cap; and members donated their own money to purchase gas for the unit which covered 1,938 miles the first year; and

WHEREAS, in 1954, the Ladies Auxiliary was formed and the first of the 121 annual calls was received on June 19th, an automobile accident on Forest Hill Avenue; and

WHEREAS, in 1955, the area of operation expanded to include not only Richmond and Chesterfield, but Amelia and Powhatan counties as well; and

WHEREAS, on December 15, 1956, the squad dedicated its first building on Broad Rock Road and purchased its second ambulance for \$150; and

WHEREAS, in 1969, the squad expanded its response area to provide coverage to the central region of Chesterfield County, and a rented building next to the Tomahawk Service Station on Hull Street Road was used for several years as a 'substation'; and

WHEREAS, on December 17, 1977, the squad dedicated its newest building located on Courthouse Road at Hull Street Road that became its main base of operations; and

WHEREAS, on October 18, 1997, Senator Steve Martin officially dedicated a newly constructed substation located on Winterpock Road to address the growth in the western portion of the county; and

WHEREAS, there are currently 62 dedicated volunteer members who make up seven crews and the Financial Assistance Committee that continue to provide quality emergency medical care to the citizens of Chesterfield County.

NOW, THEREFORE IT BE RESOLVED, that the Chesterfield County Board of Supervisors, this  $27^{\rm th}$  day of October 2004, publicly recognizes the  $50^{\rm th}$  anniversary of the Manchester Volunteer Rescue Squad and expresses the appreciation of all residents to its volunteers for their service to the county.

AND, BE IT FURTHER RESOLVED, that a copy of this resolution be presented to Manchester Volunteer Rescue Squad and that this resolution be permanently recorded among the papers of this Board of Supervisors of Chesterfield County, Virginia.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

Mr. Warren and Mrs. Humphrey presented the executed resolution to Ms. Eubank, accompanied by Chief Mauger, and thanked the volunteers of Manchester Volunteer Rescue Squad for providing 50 years of excellent service to the county.

Ms. Eubank expressed appreciation to the Board for the recognition and stated she is proud to be a member of the organization.

## 14.B. RECOGNIZING MR. MIKE DIVITA FOR HIS OUTSTANDING CONTRIBUTIONS TO CHESTERFIELD COUNTY

Mr. Stith introduced Mr. Mike Divita who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, Mr. Mike Divita is an outstanding citizen of Chesterfield County, Virginia; and

WHEREAS, Mr. Divita proudly served his country during two combat tours in Vietnam; and

WHEREAS, Mr. Divita also served his local community and his county with great leadership, dedication and wisdom; and

WHEREAS, Mr. Divita is perhaps best known for his seven and one-half years of service as Manager of the Brandermill community; and

WHEREAS, under his leadership, the Brandermill community was named "Community of the Year" numerous times; and

WHEREAS, Mr. Divita also lent his time and talent to a wide array of other efforts for the betterment of his neighbors, including as a member of the legislative action committee of the Community Association Institute; and

WHEREAS, Mr. Divita also served on the 360 West Corridor Committee, for which he was the original chairman; and

WHEREAS, Mr. Divita was active on all water quality issues related to the Swift Creek Reservoir; and

WHEREAS, Mr. Divita brought swimming pools back to the Brandermill community after extensive work on that project; and

WHEREAS, Mr. Divita was instrumental in the completion of new docks and other boating amenities; and

WHEREAS, Mr. Divita worked diligently on waterfront issues such as erosion and buffers; and

WHEREAS, in all of these ways and many others, Mr. Divita left his mark on Brandermill and Chesterfield County in an extremely positive way that will continue to have a beneficial effect for years to come; and

WHEREAS, Mr. Divita has left his position with Brandermill for other career opportunities.

NOW, THEREFORE, BE IT RESOLVED, that the Chesterfield County Board of Supervisors, on behalf of all Chesterfield County residents, this 27th day of October 2004, hereby extends its sincere appreciation to Mr. Mike Divita for his civic-minded spirit, leadership and pursuit of excellence, which have made Chesterfield County a better place in which to live, work and enjoy life; and extends all best wishes to Mr. Divita for continued success in all his endeavors.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

Mr. Warren presented the executed resolution to Mr. Divita, accompanied by his wife and Mr. Stith, and expressed appreciation for his many contributions to Brandermill as well as the county.

Mr. Divita expressed appreciation to his wife for her support and also to Ms. Elko for her assistance during his tenure with Brandermill. He also expressed appreciation to the Board and Mr. Ramsey for everything they have done on behalf of the county and to numerous members of county staff for their support.

15. REQUESTS FOR MOBILE HOME PERMITS AND REZONING PLACED ON THE CONSENT AGENDA TO BE HEARD IN THE FOLLOWING ORDER:

- WITHDRAWALS/DEFERRALS - CASES WHERE THE APPLICANT ACCEPTS THE RECOMMENDATION AND THERE IS NO OPPOSITION

- CASES WHERE THE APPLICANT DOES NOT ACCEPT THE RECOMMENDATION AND/OR THERE IS PUBLIC OPPOSITION WILL BE HEARD AT SECTION 17

#### 04SN0227

In Dale Magisterial District, GELLETLY & ASSOC. requests rezoning and amendment of zoning district map from Agricultural (A), Residential Townhouse (R-TH) and Light Industrial (I-1) to Residential Townhouse (R-TH) Conditional Use Planned Development to permit use and bulk exceptions. Residential use of up to 8.0 units per acre is permitted in a Residential Townhouse (R-TH) District. The Comprehensive Plan suggests the property is appropriate for light industrial use. This request lies on 166.4 acres fronting in four (4) places for approximately 4,500 feet on the north line of Courthouse Road, fronting approximately 1,250 feet on the east line of Doublecreek Court and also fronting approximately 6,600 feet on the south line of Route 288 and located in the northeast quadrant of the intersection of Courthouse Road and Doublecreek Court. Tax IDs 763-670-8636, 765-668-7392, 766-668-4150, 767-666-7026 and 767-667-5055 (Sheets 17 and 25).

Mr. Turner stated the applicant has requested a deferral until January 26, 2005.

Mr. Andy Scherzer, representing the applicant, requested a deferral until January 26, 2005.

Mr. Miller called for public comment.

No one came forward to speak to the deferral.

On motion of Mr. Miller, seconded by Mr. Barber, the Board deferred Case 04SN0227 until January 26, 2005.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

#### 04SR0250

In Dale Magisterial District, DOUGLAS J. AND DEBORAH A. HACKMAN request renewal of Conditional Use Planned Development (Case 03SR0100) and amendment of zoning district map to permit office use and exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 1.0 - 2.5 units per acre. This request lies in an Agricultural (A) District on 7.2 acres fronting approximately 670 feet on the west line of Newbys Bridge Road approximately 200 feet south of Sunny Grove Road. Tax IDs 758-681-2847 and Part of 4279 (Sheet 17).

Mr. Turner stated the applicant has requested a deferral until January 26, 2005.

Mr. Andy Scherzer, representing the applicant, requested a deferral until January 26, 2005.

Mr. Miller called for public comment.

No one came forward to speak to the deferral.

Mr. Miller urged the applicant to resolve any remaining issues prior to the January 26, 2005 meeting.

On motion of Mr. Miller, seconded by Mr. Warren, the Board deferred Case 04SR0250 until January 26, 2005.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

#### 04SN0302

In Matoaca Magisterial District, OMNIPOINT COMMUNICATIONS CAP OPERATIONS LLC requests Conditional Use and amendment of zoning district map to permit a communications tower in an Agricultural (A) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for neighborhood mixed use. This request lies on 2.5 acres and is known as 11010 Winterpock Road. Tax ID 720-655-5381 (Sheet 23).

Mr. Turner presented a summary of Case  $04 \, \mathrm{SN} \, 0302$  and stated the Planning Commission and staff recommended approval subject to conditions.

No one was present representing the applicant.

Mr. Miller called for public comment.

No one came forward to speak to the request.

After expressing concerns that the applicant was not present, Mrs. Humphrey made a motion, seconded by Mr. Warren, for the Board to defer Case 04SN0302 until November 23, 2004.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

#### 04SN0311

In Midlothian Magisterial District, SOUTHERN COMMUNITY BANK & TRUST requests amendment to Conditional Use Planned Development (Case 84S141) and amendment of zoning district map to delete Master Plan and buffer requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for general business use. This request lies in a Corporate Office (O-2) District on 0.7 acre and is known as 1231 Alverser Drive. Tax ID 739-709-3592 (Sheet 6).

Mr. Turner presented a summary of Case 04SN0311 and stated the Planning Commission and staff recommend approval.

Mr. Andy Scherzer, representing the applicant, stated the recommendation is acceptable.

Mr. Miller called for public comment.

No one came forward to speak to the request.

On motion of Mr. Barber, seconded by Mr. Warren, the Board approved Case 04SN0311.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

#### 05SN0153 AND 05SN0156

In Midlothian Magisterial District, CHESTERFIELD COUNTY PLANNING COMMISSION requests amendment to Conditional Use Planned Development (Case 91SN0172) and amendment of zoning district map to permit bulk exceptions in the Residential Townhouse (R-TH) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for medium density residential use of 2.51 to 4.0 units per acre. This request is known as part of the Ridgemoor and Scotter Hills Developments which lie on the east and west lines of Grove Hill Road, south of Woolridge Road. Lots 1 through 27, 29 through 33 and 35 through 66 of the Ridgemoor Development and Lots 1 through 44, 47 through 60, 65 through 75, 77 through 79 and 81 of the Scotter Hills Development (Sheets 5 and 6).

Mr. Turner presented a summary of Case 05 SN0153 (also referred to as Case 05 SN0156) and stated staff recommended approval subject to one condition.

Mr. Miller called for public comment.

No one came forward to speak to the request.

On motion of Mr. Barber, seconded by Mr. Warren, the Board approved Case 05SN0153 (also referred to as Case 05SN0156) subject to the following condition:

For R-TH uses, the following bulk exceptions shall apply for development on the subject property:

- 1. Side yard. A side yard of not less than ten (10) feet in width shall be provided for each end residence in townhouse groups or rows having three (3) or more lots.
- 2. Corner side yard. A corner side yard of not less than ten (10) feet.
- 3. Rear yard. A rear yard of not less than nineteen (19) feet. (P)

(NOTE: This condition amends Item II of the Textual Statement for Case 91SN0172 for the subject property only. All other conditions of Case 91SN0172 remain in effect.)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

#### 04SN0268

In Matoaca Magisterial District, DEMPSEY L. BRADLEY, JR. AND SUSAN T. BRADLEY request Conditional Use and amendment of zoning district map to permit a business operated incidental to a dwelling unit. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for rural conservation area use. This request lies in an Agricultural (A) District on 5.4 acres and is known as 9823 Woodpecker Road. Tax ID 756-645-2919 (Sheet 33).

Mrs. Humphrey stated that because no opposition is present, a summary of Case 04 SN 0268 was not necessary.

The applicant,  $\operatorname{Mr.}$  Dempsey Bradley was present at the meeting.

Mr. Miller called for public comment.

No one came forward to speak to the request.

On motion of Mrs. Humphrey, seconded by Mr. King, the Board approved Case 04SN0268 subject to the following conditions:

- 1. This Conditional Use shall be granted to and for Dempsey L. Bradley, Jr. and Susan T. Bradley, exclusively, and shall not be transferable or run with the land. (P)
- 2. The business shall be located within the existing detached garage. There shall be no further additions or expansions to the existing building to accommodate this use. (P)

- 3. There shall be no outside storage permitted. (P)
- 4. The contractor's office and warehouse shall be permitted for a maximum of eighteen (18) months from the date of approval of this request. (P)
- 5. There shall be no signs permitted to identify this use. (P)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

#### 05SN0149

In Bermuda Magisterial District, REYMET INVESTMENTS, LLC requests rezoning and amendment of zoning district map from Agricultural (A) to Heavy Industrial (I-3) of 4.0 acres with Conditional Use to permit construction/demolition/debris waste transfer on this property and 14.3 acres currently zoned Heavy Industrial (I-3). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for general industrial use. This request lies on 18.3 acres and is known as 1711 Reymet Road. Tax ID 799-667-1806 (Sheet 18).

Ms. Beverly Rogers presented a summary of Case 05SN0149 and stated the Planning Commission and staff recommend approval and acceptance of the proffered conditions. She noted the request conforms to the <u>Jefferson Davis Corridor Plan</u>.

Mr. Jeff Collins, representing the applicant, stated the recommendation is acceptable.

Mr. Miller called for public comment.

No one came forward to speak to the request.

- 1. Prior to site plan approval, thirty-five (35) feet of right-of-way on the south side of Reymet Road, measured from the centerline of that part of Reymet Road immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
- 2. Direct access from the property to Reymet Road shall be limited to the one (1) existing entrance/exit. Any modification to this access shall be approved by the Transportation Department. (T)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

#### 16. PUBLIC HEARINGS

O TO CONSIDER AN ORDINANCE CREATING A SEPARATE

CLASSIFICATION OF TANGIBLE PERSONAL PROPERTY FOR MOTOR

VEHICLES SPECIALLY EQUIPPED TO PROVIDE TRANSPORTATION

TO PHYSICALLY HANDICAPPED INDIVIDUALS

Mr. Micas stated this date and time has been advertised for a

public hearing for the Board to consider an ordinance creating a separate classification of tangible personal property for motor vehicles specially equipped to provide transportation to physically handicapped individuals. He further stated, if the Board creates the separate classification for such vehicles, staff recommends setting the tax rate in April when rates are established for other personal and real property.

Mr. Miller called for public comment.

No one came forward to speak to the ordinance.

On motion of Mrs. Humphrey, seconded by Mr. King, the Board adopted the following ordinance:

AN ORDINANCE TO AMEND THE CODE OF THE COUNTY OF CHESTERFIELD, 1997, AS AMENDED, BY ADDING SECTION 9-59.2 CREATING A SEPARATE CLASSIFICATION OF PERSONAL PROPERTY TAX FOR MOTOR VEHICLES SPECIALLY EQUIPPED TO PROVIDE TRANSPORTATION TO PHYSICALLY HANDICAPPED INDIVIDUALS

BE IT ORDAINED by the Board of Supervisors of Chesterfield County:

(1) That Section 9-59.2 of the Code of the County of Chesterfield, 1997, as amended, is added to read as follows:

## Sec. 9-59.2. Separate classification of personal property tax for specially equipped motor vehicles.

There is hereby established a separate classification of tangible personal property for motor vehicles which are specially equipped to provide transportation for physically handicapped individuals.

(2) That this ordinance shall become effective January 1, 2005.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

#### 17. REMAINING MOBILE HOME PERMITS AND ZONING REQUESTS

There were no remaining mobile home permits or zoning requests at this time.

#### 18. ADJOURNMENT

On motion of Mr. Barber, seconded by Mr. King, the Board adjourned at 7:35 p.m. until November 10, 2004 at 4:00 p.m.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

Lane B. Ramsey Kelly E. Miller

Lane B. Ramsey
County Administrator

Kelly E. Miller Chairman